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7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-237

13 **LESLIE BERARD MORRISON**
14 **aka LESLIE BERARD**
15 **aka LESLIE MORRISON**
16 1190 Ninth Street
Alameda, California 94501

A C C U S A T I O N

17 Registered Nurse License No. 452645
18 Psychiatric/Mental Health Nurse Number 372

Respondent.

19 Complainant alleges:

PARTIES

- 20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.
- 23 2. On or about April 17, 1990 the Board of Registered Nursing issued
24 Psychiatric/Mental Health Nurse Number 372 to Leslie Berard. On or about April 30, 1990, the
25 Board of Registered Nursing issued Registered Nurse License Number 452645 to Leslie Berard.
26 On or about October 4, 1995, Leslie Berard changed the name on her licenses to Leslie Berard
27 Morrison (Respondent). The Registered Nurse License and Psychiatric/Mental Health Nurse
28 license were in full force and effect at all times relevant to the charges brought herein and will

1 expire on September 30, 2009, unless renewed.

2 3 JURISDICTION

4 3. This Accusation is brought before the Board of Registered Nursing
5 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 8 STATUTORY PROVISIONS

9 4. **Section 2750** of the Business and Professions Code ("Code") provides, in
10 pertinent part, that the Board may discipline any licensee, including a licensee holding a
11 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
12 2750) of the Nursing Practice Act.

13 5. **Section 2764** of the Code provides, in pertinent part, that the expiration of
14 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
15 against the licensee or to render a decision imposing discipline on the license. Under section
16 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
17 the expiration.

18 6. **Section 2761** of the Code states:

19 "The board may take disciplinary action against a certified or licensed nurse or
20 deny an application for a certificate or license for any of the following:

21 "(a) Unprofessional conduct. . .

22 "(f) Conviction of a felony or of any offense substantially related to the
23 qualifications, functions, and duties of a registered nurse, in which event the record of the
24 conviction shall be conclusive evidence thereof.

25 . . ."

26 7. **Section 2762** of the Code states:

27 "In addition to other acts constituting unprofessional conduct within the meaning
28 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed

1 under this chapter to do any of the following:

2
3 “(b) Use any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
5 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
6 injurious to himself or herself, any other person, or the public or to the extent that such use
7 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
8 license.

9 “(c) Be convicted of a criminal offense involving the prescription, consumption,
10 or self-administration of any of the substances described in subdivisions (a) and (b) of this
11 section, or the possession of, or falsification of a record pertaining to, the substances described in
12 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
13 thereof.

14
15 8. **Section 490** of the Code provides, in pertinent part, that a board may
16 suspend or revoke a license on the ground that the licensee has been convicted of a crime
17 substantially related to the qualifications, functions, or duties of the business or profession for
18 which the license was issued.

19 20 **COSTS**

21 9. **Section 125.3** of the Code provides, in pertinent part, that the Board may
22 request the administrative law judge to direct a licensee found to have committed a violation or
23 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
24 and enforcement of the case.

25 26 **FIRST CAUSE FOR DISCIPLINE**

27 (Conviction)

28 10. Respondent is subject to disciplinary action under sections 490, 2761(f),

1 and 2762(c) of the Code in that Respondent was convicted of a crime involving alcohol and
2 which is substantially related to the qualifications, functions, and duties of a registered nurse. On
3 or about August 29, 2007, in Alameda County Superior Court Case No. 82831, Respondent was
4 convicted on a plea of nolo contendere of violating Vehicle Code section 23152(b), driving with
5 a blood alcohol level of .08 percent or more.

6
7 **SECOND CAUSE FOR DISCIPLINE**

8 (Dangerous Use of Alcohol)

9 11. Respondent is subject to disciplinary action under section 2762(b) of the
10 Code in that Respondent used alcohol in a manner that was dangerous to herself and others. On
11 or about May 12, 2007, Respondent drove a vehicle while under the influence of alcohol.
12 Respondent was in an accident and failed to perform field sobriety tests as directed. Breathalyzer
13 tests revealed Respondent had a blood alcohol levels of .16 and .15 percent. Respondent was
14 driving with minor children at the time of the accident.

15
16 **THIRD CAUSE FOR DISCIPLINE**

17 (Unprofessional Conduct)

18 12. Respondent is subject to disciplinary action under section 2761(a) of the
19 code in that Respondent was involved in unprofessional conduct. The circumstances are
20 described in paragraphs 10-11, above.

21
22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

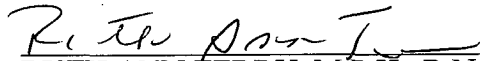
25 1. Revoking or suspending Registered Nurse License Number 452645, issued
26 to Leslie Berard Morrison.

27 2. Revoking or suspending Psychiatric/Mental Health Nurse license Number
28 372, issued to Leslie Berard Morrison.

1 3. Ordering Leslie Berard Morrison to pay the Board of Registered Nursing
2 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 4. Taking such other and further action as deemed necessary and proper.
5

6 DATED: 4/7/09
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9 
10 RUTH ANN TERRY, M.P.H., R.N.
11 Executive Officer
12 Board of Registered Nursing
13 Department of Consumer Affairs
14 State of California
15 Complainant
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